

AMENDMENTS TO LB 965

Introduced by Education.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 32-570, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-570 (1) A vacancy in the membership of a school board
6 shall occur as set forth in section 32-560 or in the case of
7 absences, unless excused by a majority of the remaining members
8 of the board, when a member is absent from the district for a
9 continuous period of sixty days at one time or from more than
10 two consecutive regular meetings of the board, ~~unless excused by a~~
11 ~~majority of the remaining members of the board.~~

12 (2) A person appointed to fill a vacancy on the school
13 board of a Class I school district by the remaining members of
14 the board shall hold office until the beginning of the next school
15 year. A board member of a Class I school district elected to fill a
16 vacancy at a regular or special school district meeting shall serve
17 for the remainder of the unexpired term or until a successor is
18 elected and qualified.

19 (3) Except as provided in subsection (4) of this section,
20 a vacancy in the membership of a school board of a Class II, III,
21 IV, V, or VI school district resulting from any cause other than
22 the expiration of a term shall be ~~temporarily~~ filled by appointment
23 of a qualified registered voter by the remaining members of the

1 board. A If the vacancy occurs prior to the filing deadline
2 for nonincumbents for the primary election preceding the general
3 election in the middle of the vacated term, a registered voter
4 shall be nominated at the next primary election and elected at the
5 following general election for the remainder of the unexpired term.
6 If the vacancy occurs on or after such deadline, the appointment
7 shall be for the balance of the unexpired term. A registered voter
8 appointed or elected pursuant to this subsection shall meet the
9 same requirements as the member whose office is vacant.

10 (4) Any vacancy in the membership of a school board of
11 a school district which does not nominate candidates at a primary
12 election and elect members at the following general election shall
13 be ~~temporarily~~ filled by appointment of a qualified registered
14 voter by the remaining members of the board. A If the vacancy
15 occurs prior to a caucus preceding the general election in the
16 middle of the vacated term, a registered voter shall be nominated
17 and elected to fill the vacancy for the remainder of the term in
18 the manner provided for nomination and election of board members in
19 the district. If the vacancy occurs on or after such deadline, the
20 appointment shall be for the balance of the unexpired term.

21 (5) If any school board fails to fill a vacancy on the
22 board, the vacancy may be filled by election at a special election
23 or school district meeting called for that purpose. Such election
24 or meeting shall be called in the same manner and subject to
25 the same procedures as other special elections or school district
26 meetings.

27 (6) If there are vacancies in the offices of a majority

1 of the members of a school board, the Secretary of State shall
2 conduct a special school district election to fill such vacancies.

3 Sec. 2. Section 79-1217, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 79-1217 (1) All educational service units shall be
6 governed by a board to be known as the Board of Educational
7 Service Unit No. Until the first Thursday after the first
8 Tuesday in January 2009, the educational service unit board, except
9 the board of an educational service unit with only one member
10 school district, shall be composed of one member from each county
11 and four members at large, all of whom shall reside within the
12 geographical boundaries of the educational service unit, but no
13 more than two of the members at large shall be appointed or
14 elected from the same county unless any one county within the
15 educational service unit has a population in excess of one hundred
16 fifty thousand inhabitants or the educational service unit consists
17 of only one county. Beginning on the first Thursday after the
18 first Tuesday in January 2009, the educational service unit board,
19 except the board of an educational service unit with only one
20 member school district, shall be composed of one member elected to
21 represent each election district established pursuant to section
22 79-1217.01. Successors to the members initially appointed pursuant
23 to section 79-1212 shall be elected pursuant to section 32-515.

24 (2) Vacancies in office shall occur as set forth in
25 section 32-560, except as otherwise provided in section 79-1212
26 regarding the requirement to live in the district represented, or
27 in the case of absences, unless excused by a majority of the

1 remaining members of the board, when a member is absent from
2 the geographical boundaries of the educational service unit for a
3 continuous period of sixty days at one time or from more than two
4 consecutive regular meetings of the board. Whenever any vacancy
5 occurs on the board, the remaining members of such board shall
6 appoint an individual residing within the election district of the
7 educational service unit for which the vacancy exists and meeting
8 the qualifications for the office to fill such vacancy for the
9 balance of the unexpired term.

10 (3) Members of the board shall receive no compensation
11 for their services but shall be reimbursed for the actual and
12 necessary expenses incurred in the performance of their duties
13 under the Educational Service Units Act as provided in sections
14 81-1174 to 81-1177.

15 (4) Except as provided in subsection (5) of this section,
16 any joint school district located in two or more counties shall
17 be considered a part of the educational service unit in which the
18 greater number of school-age children of such joint school district
19 reside.

20 (5) Any Class I district which is part of a Class VI
21 district shall be considered a part of the educational service
22 unit of which the Class VI district is a member. If the Class
23 VI district has removed itself from an educational service unit,
24 each Class I district which is part of such Class VI district may
25 continue its existing membership in an educational service unit
26 or may change its status relative to membership in an educational
27 service unit in accordance with section 79-1209. The patrons of a

1 Class I district maintaining membership in an educational service
2 unit pursuant to this subsection shall have the same rights and
3 privileges as other patrons of the educational service unit, and
4 the taxable valuation of the taxable property within the geographic
5 boundaries of such Class I district shall be subject to the
6 educational service unit's tax levy established pursuant to section
7 79-1225.

8 (6) The administrator of each educational service unit,
9 prior to July 1 of each year in which a statewide primary election
10 is to be held, shall certify to the election commissioner or county
11 clerk of each county located within the unit the corporate name
12 of each school district, as described in section 79-405, located
13 within the county. If a school district is a joint school district
14 located in two or more counties, the administrator shall certify to
15 each election commissioner or county clerk the educational service
16 unit of which the school district is considered to be a part.

17 (7) Educational service units with only one member school
18 district shall be governed by the school board of such school
19 district.

20 Sec. 3. Original sections 32-570 and 79-1217, Reissue
21 Revised Statutes of Nebraska, are repealed.